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6 *Attorneys for Shelley D. Krohn, Chapter 7 Trustee*

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re	Case No. BK-S-12-20337-BTB
10 D.W. Doc Wiener,	Chapter 7
11 Debtor.	<b>TRUSTEE'S NOTICE OF INTENT TO ABANDON ESTATE INTEREST IN JUDGMENT AGAINST KLIPPER CHEMTROL CORPORATION</b>

14 **NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

15 Pursuant to LR 9014.1, the court will consider this motion, objection, or other  
 16 matter without further notice of hearing unless a party in interest files an objection  
 17 within 21 days from the date of service of this paper. If you object to the relief  
 18 requested in this paper, you may file your objection at the bankruptcy clerk's office  
 19 located in Las Vegas at the United States Bankruptcy Court, 300 Las Vegas Blvd.  
 20 South, Las Vegas, Nevada, 89101, or in Reno at the United States Bankruptcy  
 21 Court, 300 Booth Street, Reno, NV 89509, and serve a copy on the movant's  
 22 attorney and any other appropriate persons.

23 **It is the duty of the objecting party to timely set the objection for a hearing  
 24 and properly notice all parties in interest. If you do not file an objection  
 25 within the time permitted, an order granting the requested relief may be  
 26 entered by the court without further notice or hearing.**

27 **PLEASE TAKE NOTICE** that pursuant to Fed. R. Bankr. P. 6007(a) and 11 U.S.C.  
 28 §554(a), Shelley D. Krohn, Chapter 7 Trustee ("Trustee"), intends to and will abandon the  
 following described non-exempt asset(s) as burdensome and of inconsequential value to the estate  
 unless a creditor or other interested party files and serves a written objection pursuant LR 9014.1,  
 within 21 days from the date of service of this paper, on the Trustee's attorney (Schwartzzer &  
 McPherson Law Firm) and any other appropriate person.

The Trustee intends to abandon the estate's interest in the following asset (the "Asset"):

1. The "Judgment" entered on August 17, 2015 in the case titled *Wiener v. Klipper Chemtrol Corp.*, Case No. A628583 in the District Court, Clark County, Nevada in favor of D.W. "Doc" Wiener and against Klipper Chemtrol Corporation in the amount of \$363,085.62, plus interest at the rate of 5.25% per annum thereon from the date of August 17, 2015 until satisfied. See attached Judgment.

Pursuant to Local Rule 9014.1(a)(4), notices of abandonment pursuant to Fed. R. Bankr. P. 6007(a) may be considered by the Court without an actual hearing under the negative notice procedure described in Local Rule 9014.1, if no party requests a hearing.

An attorneys' lien against the Asset has been asserted by Mario P. Lovato, Esq. and Lovato Law Firm, P.C. and the Trustee has not been able to determine that the defendant, Klipper Chemtrol Corporation has any assets, or assets of a sufficient value, to make execution on the Asset worthwhile and beneficial to the estate. As a result, this Asset constitutes a burden to the estate and is of inconsequential value and benefit to the estate.

Based upon the foregoing, the Trustee hereby gives notice of her intent to abandon the Asset and requests an Order of this Court that the above-described Asset be deemed abandoned by the Trustee. **As set forth above, objections to this proposed abandonment that are not timely filed and served may be deemed waived and/or invalid.**

Dated this 2nd day of August, 2018.

/s/ Jeanette E. McPherson  
Jeanette E. McPherson, Esq.  
Schwartz & McPherson Law Firm  
2850 South Jones Blvd., Suite 1  
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*Attorneys for Shelley D. Krohn, Trustee*

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1 JUDG  
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4 TEL: (702) 979-9047  
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5 Attorney for Plaintiff / Counterdefendant  
D.W. "Doc" Wiener

*Adam B. Schuman*  
CLERK OF THE COURT

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 D.W. "DOC" WIENER, an individual, } CASE NO. A629583  
9 Plaintiff, } DEPT NO. 11  
10 vs. } (Formerly consolidated with A624497)  
11 KLIPPER CHEMTROL CORPORATION, }  
12 Defendant. }  
13 AND COUNTERCLAIMS. }

14 JUDGMENT

15 This matter having come on regularly for trial on May 18-20, 2015 and having been  
16 concluded and submitted to the Court, and the Court having entered Findings of Fact and  
17 Conclusions of Law on May 22, 2015; Plaintiff / Counterdefendant D.W. "Doc" Wiener  
18 ("Wiener" or "Plaintiff") having filing a Memorandum of Costs and Disbursements on June 4,  
19 2015 and a Motion for Attorney Fees and Costs on June 11, 2015, and the Court having  
20 conducted a chambers hearing on July 17, 2015 for such Motion For Attorney Fees And Costs,  
21 and for good cause,

22 The COURT HEREBY FINDS that:

- 23 1. Upon review of the papers and pleadings on file in this matter, D.W. "Doc"  
24 Wiener provided proper service of the Motion For Attorney Fees And Costs and the  
25 Memorandum of Costs and Disbursements upon Defendant / Counterclaimant Klipper Chemtrol  
26 Corporation.

1       2. No opposition or other response has been filed by Klipper Chemtrol Corporation  
2 to the Motion for Attorney Fees and Costs or to the Memorandum of Costs and Disbursements;  
3 accordingly, pursuant to EDCR 2.20(b), the Motion for Fees and Costs is deemed unopposed.  
4

5       3. There is a prevailing party provision in the parties' agreement, and Wiener was,  
6 and is, the prevailing party in this matter as a result of the trial and the Court's Findings of Fact  
7 and Conclusions of Law entered on May 22, 2015.

8       4. Under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969),  
9 when courts determine the appropriate fee to award in civil cases, they must consider various  
10 factors: (1) the qualities of the advocate: his ability, his training, education, experience,  
11 professional standing and skill; (2) the character of the work to be done: its difficulty, its  
12 intricacy, its importance, time and skill required, the responsibility imposed and the prominence  
13 and character of the parties where they affect the importance of the litigation; (3) the work  
14 actually performed by the lawyer: the skill, time and attention given to the work; (4) the result:  
15 whether the attorney was successful and what benefits were derived.

16       5. The *Brunzell* factors support the award of attorney fees. Mr. Lovato is a business  
17 litigator who has appeared before the Court on numerous occasions, has worked at reputable law  
18 firms in Las Vegas, Nevada, has charged a reasonable billing rate in this matter; the character of  
19 the work involved the filing of motions and related pleadings, appearance at hearings,  
20 appearance at trial, the drafting and service of written discovery and related work, which is  
21 commensurate with the requested billable rate; the work performed by Applicant, was  
22 reasonable; and the result obtained was that Applicant prevailed in the motions filed with the  
23 Court.

24       6. The following attorney fees and costs of Plaintiff Wiener should be, and are,  
25 approved as being reasonable, and being necessarily and actually incurred in the litigation of this  
26  
27  
28

1 matter from its inception up to May 31, 2015: (a) attorney fees in the amount of \$166,520.00;  
2 and (b) costs in the amount of \$11,565.62.

3  
4 7. Judgment should be entered in favor of Plaintiff D.W. "Doc" Wiener and against  
5 Klipper Chemtrol Corporation, as further stated below, based upon the Findings and Fact and  
6 Conclusions of Law entered on Mary 22, 2015 and for the amounts granted herein for the Motion  
7 for Attorney Fees and Costs.

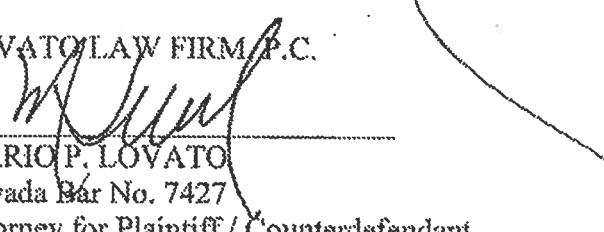
8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that JUDGMENT is hereby  
9 entered in favor of Plaintiff D.W. "Doc" Wiener and against Defendant Klipper Chemtrol  
10 Corporation in the sum and amount of One Hundred Eighty-Five Thousand Dollars and zero  
11 cents (\$185,000.00), plus attorney fees and costs in the amount of One Hundred Seventy-Eight  
12 Thousand Eighty-Five Dollars and sixty-two cents (\$178,085.62) for a TOTAL JUDGMENT in  
13 the amount of **Three Hundred Sixty-Three Thousand Eight-Five Dollars and sixty-two cents**  
14 (\$363,085.62), plus interest at the rate of 5.25% per annum thereon from the date of entry herein  
15 until satisfied.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff D.W. "Doc"  
17 Wiener shall be entitled to, and hereby is permitted to, collect any and all amounts awarded  
18 herein by any legal means.  
19

20 DATED: August 5<sup>th</sup>, 2015.

21   
22 DISTRICT COURT JUDGE

23 Submitted by:  
24

25 LOVATO LAW FIRM, P.C.  


26 MARIO P. LOVATO  
27 Nevada Bar No. 7427  
28 Attorney for Plaintiff / Counterdefendant  
D.W. "Doc" Wiener